United Nations S/2010/456

Security Council

Distr.: General
31 August 2010

Original: English

Letter dated 27 August 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication dated 27 August 2010 (see annex), which I have received from the Registrar of the International Criminal Court, Ms. Silvana Arbia, transmitting a copy of two decisions issued by the Pre-Trial Chamber I on 27 August 2010, the decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's presence in the territory of the Republic of Kenya and the decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's recent visit to the Republic of Chad.

I should be most grateful if you would bring the present letter and its attachments to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

10-50115 (E) 070910

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Annex

Note verbale dated 27 August 2010 from the Registrar of the International Criminal Court addressed to the Secretary-General

The Registrar of the International Criminal Court presents her compliments to the Secretary-General of the United Nations and has the honour to transmit for onward transmission to the Security Council the decision informing the United Nations Security Council and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's presence in the territory of the Republic of Kenya (ICC-02/05-01/09-107) as well as the decision informing the United Nations Security Council and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's presence in the territory of the Republic of Chad (ICC-02/05-01/09-109) rendered today by Pre-Trial Chamber I.

Should you have any questions or require additional information, please contact Mr. Giovanni Bassu, Special Adviser on External Relations and Cooperation, by e-mail at giovanni.bassu@icc-cpi.int or by telephone at +31 70 515 8631, or Ms. Anne-Aurore Bertrand, Acting External Relations Officer, by e-mail at anneaurore.bertrand@icc-cpi.int or by telephone at +31 70 515 8202.

Enclosure 1

ICC-02/05-01/09-107 27-08-2010 1/4 RH PT

Cour
Pénale
Internationale

International
Criminal
Court

Original: English

No.: ICC-02/05-01/09
Date: 27 August 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Sylvia Steiner
Judge Sanji Mmasenono Monageng

SITUATION IN DARFUR, SUDAN

THE PROSECUTOR V. OMAR HASSAN AHMAD AL BASHIR

Public Document

Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's presence in the territory of the Republic of Kenya

Document to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Mr Luis Moreno-Ocampo

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar
Ms Silvana Arbia

Deputy Registrar
Mr Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

PRE-TRIAL CHAMBER I of the International Criminal Court (the "Chamber" and the "Court", respectively);

NOTING that, according to public information available to the Chamber,[1] Omar Al-Bashir, as President of Sudan, has been invited by the Government of Kenya to attend the celebrations for the promulgation of the new Kenyan Constitution scheduled to take place in Kenya on 27 August 2010;

NOTING the warrants of arrest against Omar Al-Bashir issued by the Chamber respectively on 4 March 2009 and 12 July 2010 which are yet to be executed;[2]

NOTING that the Republic of Kenya has a clear obligation to cooperate with the Court in relation to the enforcement of such warrants of arrest, which stems both from the United Nations Security Council Resolution 1593(2005)[3], whereby the United Nations Security Council "urge[d] all States and concerned regional and other international organizations to cooperate fully" with the Court, and from article 87 of the Statute of the Court, to which the Republic of Kenya is a State Party;

CONSIDERING it appropriate to inform the Security Council of the United Nations as well as the Assembly of States Parties to the Rome Statute about the expected attendance of Omar Al-Bashir at the celebration scheduled for Friday 27 August in order for them to take any action they may deem appropriate, should such attendance be confirmed;

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[1] http://www.lefigaro.fr/flash-actu/2010/08/27/97001-20100827FIL.WWW00307-le-president-soudanais-a-nairobi.php; http://www.sudantribune.com/spip.php?article36085; http://www.alertnet.org/thenews/newsdesk/HRW/deb99149cd9ac034a2c0fbc74bda1a3b.htm.

[2] ICC-02/05-01/09-1 ICC-02/05-01/09-95.

[3] S/RES/1593 (2005)

FOR THESE REASONS

INFORMS the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's presence on the territory of the Republic Kenya, in order for them to take any measure they may deem appropriate;

ORDERS the Registrar to immediately transmit the present decision to the Security Council, through the Secretary General of the United Nations, and to the Assembly of the State Parties to the Court.

Done in both English and French, the English version being authoritative.

Dated this Friday, 27 August 2010

At The Hague, The Netherlands

Judge Cuno Tarfusser
Presiding Judge

Judge Sylvia Steiner

Judge Sanji Mmasenono Monageng

Cour Pénale Internationale
International Criminal Court

Name: Vera Bi Wang
Certified document
No. ICC-02/05-01/09-107
Title: Decision informing the United Nations Security Council and the Assembly of the State Parties to the Rome Statute
4/4 dated 27 August 2010
27 August 2010
The Hague

No. ICC-02/05-01/09

Enclosure 2

ICC-02/05-01/09-109 27-08-2010 1/4 RH PT

Cour
Pénale
Internationale

International
Criminal
Court

Original: English

No.: ICC-02/05-01/09
Date: 27 August 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Sylvia Steiner
Judge Sanji Mmasenono Monageng

SITUATION IN DARFUR, SUDAN

THE PROSECUTOR V. OMAR HASSAN AHMAD AL B IR

Public Document

Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's recent visit to the Republic of Chad

Document to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor Mr Luis Moreno-Ocampo	**Counsel for the Defence**
Legal Representatives of Victims	**Legal Representatives of Applicants**
Unrepresented Victims	**Unrepresented Applicants for Participation/Reparation**
The Office of Public Counsel for Victims	**The Office of Public Counsel for the Defence**
States Representatives	**Amicus Curiae**

REGISTRY

Registrar Ms Silvana Arbia	**Deputy Registrar** Mr Didier Preira
Victims and Witnesses Unit	**Detention Section**
Victims Participation and Reparations Section	**Others**

PRE-TRIAL CHAMBER I of the International Criminal Court (the "Chamber" and the "Court", respectively);

NOTING the "Registry's report on the recent visits of Omar Al Bashir to the Republic of Chad and the Republic of Kenya",[1] filed on 27 August 2010, whereby the Registrar, *inter alia*, informed the Chamber that, according to the information available, Omar Al Bashir had gone to N'Djamena in order to attend the summit of the Sahel-Saharan States on 21 July 2010, allegedly leaving Chad on 23 July 2010;

NOTING the warrants of arrest against Omar Al-Bashir issued by the Chamber respectively on 4 March 2009 and 12 July 2010 which are yet to be executed;[2]

NOTING that the Republic of Chad has an obligation to cooperate with the Court in relation to the enforcement of such warrants of arrest, which stems both from the United Nations Security Council Resolution 1593(2005)[3], whereby the United Nations Security Council "urge[d] all States and concerned regional and other international organizations to cooperate fully" with the Court, and from article 87 of the Statute of the Court, to which the Republic of Chad is a State Party;

CONSIDERING it appropriate to inform the Security Council of the United Nations as well as the Assembly of States Parties to the Rome Statute about the recent visit of Omar Al-Bashir to the Republic of Chad, in order for them to take any action they may deem appropriate;

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[1] ICC-02/05-01/09-108-Conf
[2] ICC-02/05-01/09-1 ICC-02/05-01/09-95.
[3] S/RES/1593 (2005).

FOR THESE REASONS

INFORMS the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's visit in the Republic of Chad allegedly between 21 and 23 July 2010, in order for them to take any measure they may deem appropriate;

ORDERS the Registrar to transmit the present decision to the Security Council, through the Secretary General of the United Nations, and to the Assembly of the State Parties to the Rome Statute.

Done in both English and French, the English version being authoritative.

Dated this Friday, 27 August 2010

At The Hague, The Netherlands

Judge Cuno Tarfusser
Presiding Judge

Judge Sylvia Steiner

Judge Sanji Mmasenono Monageng

Cour Pénale Internationale
International Criminal Court

Name: SCHRUDER Natacha
Certified document
No ICC-02/05-01/09-109
Title Decision informing the UN Security Council and the Assembly of the State Parties to the Rome Statute about Omar Al-Bashir's recent visit to the Republic of Chad
The Hague, 27/08/2010 at 7.20 PM